

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 2:20-cr-45-FtM-38NPM

EDI ISIDRO LOPEZ-RUIZ

ORDER¹

Before the Court is Defendant Edi Isidro Lopez-Ruiz's Motion to Move the Sentencing to an Earlier Date. ([Doc. 40](#)). On April 8, 2020, the Court accepted Defendant's guilty plea to illegally reentering this country in violation of [8 U.S.C. § 1326\(a\)](#). ([Doc. 38](#)). It then set his sentencing hearing for June 22, 2020. ([Doc. 39](#)). But, because Defendant anticipates a sentencing guidelines range of 0 to 6 months, he now moves the Court to waive the presentence investigation report ("PSR") and set the sentencing for an earlier date. The Government objects to waiving the PSR but not an earlier sentencing.

After considering Defendant's motion and the present COVID-19 national emergency, the Court denies without prejudice Defendant's motion. [Federal Rule of Criminal Procedure 32\(c\)\(1\)](#) requires "the probation officer to conduct a presentence investigation and submit a report to the court before it imposes sentence." There are two exceptions, neither of which apply here. The Court thus will not waive the PSR. After Defendant receives the initial PSR, however, and if there are no objections, Defendant may move the Court for an earlier sentencing date.

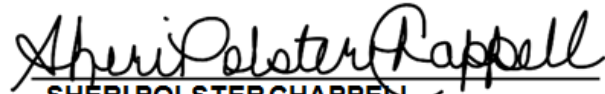
¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

Accordingly, it is now

ORDERED:

Defendant Edi Isidro Lopez-Ruiz's Motion to Move the Sentencing to an Earlier Date ([Doc. 40](#)) is **DENIED without prejudice**. The Defendant may refile his Motion once the Initial Presentence Report has been filed.

DONE AND ORDERED in Fort Myers, Florida on this 10th day of April 2020.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: Counsel of Record